



APPOINTMENT TO AND ASSUMPTION OF COMMAND

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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★This instruction implements AFPD 51-6, *Civil Law for Organizational Activities*. It explains appointment to and assumption of command, and tells how to determine command responsibility of and for Air Force military personnel. It applies to members and organizations in the Regular Air Force, Air Force Reserve, and Air National Guard when in federal service.

SUMMARY OF REVISIONS

This change incorporates Interim Change (IC) 96-1 which provides new guidance regarding eligibility for command of Air Force flying organizations. The change allows Line of the Air Force officers who are nonrated crewmembers occupying active flying positions within the organization to command flying organizations. A ★ indicates revisions from the previous edition.

1. Command Authority.

1.1. Command is exercised by virtue of office and the special assignment of officers holding certain military grades who are thus eligible by law to exercise command.

1.2. Enlisted members cannot exercise command.

★1.3. Although they may hold supervisory positions and provide work direction, civilians cannot command Air Force units.

★1.4. In addition to the traditional principles governing appointment to and assumption of command as established by law, custom, policy or regulation, a basic responsibility exists for all officers to assume command temporarily in an emergency or when essential to good order and discipline.

★1.5. An officer who is assigned to duty in a unit which he/she is eligible to command but which is commanded by another officer of the same grade, but of lower rank, is subject to the command authority of the officer of lower rank. However, an officer cannot command another officer of higher grade, who is otherwise eligible to command, whether by assumption or appointment (see 10 U.S.C. 749(a)).

NOTE: Frocked officers have no legal authority in their frocked grade, and command succession questions must be resolved using the frocked officer's current pay grade, not his/her frocked grade.

2. Succession To Command. An officer succeeds to command in one of two ways:

- By assuming command.
- By appointment to command.

Appointments and assumptions can be permanent or temporary.

2.1. Assumption of command is a unilateral act.

★2.2. Appointment to command occurs by an act of the President, the Secretary of the Air Force (SECAF), or by his/her delegates (see paragraph 2.5 below.)

★2.3. Assumption of Command. When not otherwise prohibited by superior competent authority, command passes by operation of law to the senior military officer assigned to an organization who is present for duty and eligible to command. The authority to assume command is inherent in that officer's status as the senior officer in both grade and rank. The term

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“grade” equates to the office held (Lt, Capt, Col, etc.), and the term “rank” is generally used to denote seniority within a grade, although it also refers to the relative precedence among the different grades. (See 10 U.S.C. 101.)

2.3.1. An officer can assume command only of an organization to which that officer is assigned by competent authority (except as provided in paragraph 1.4.) When you assign an officer to a subordinate organization, that officer is assigned to all superior organizations of which the subordinate organization is a component.

★2.3.2. With the exception of paragraph 5.1.1 below, only Air Force officers may command Air Force organizations. This restriction addresses Air Force organizations only; it is not intended as a limitation on the rules governing joint service commands.

2.4. Appointment to Command. When two or more officers of the same grade are on duty in an organization and are eligible to command, and they are senior in grade to any other officer assigned to that organization, present for duty and eligible to command, the President can appoint to command, without regard to rank in that grade.

2.5. Delegation of Authority to Appoint to Command. Acting for the President, the Secretary of the Air Force delegates this authority to the following personnel:

- Commanders of MAJCOMs, field operating agencies, direct reporting units, numbered air forces, air divisions, wings, groups, and equivalent organizations for subordinate organizations under their command.
- ★The Chief of Staff and Vice Chief of Staff.
- Deputy Chiefs of Staff, United States Air Force (USAF), and other Air Staff Office Chiefs for field operating agencies under their supervision.
- The Inspector General (SAF/IG) for organizations under The Inspector General’s supervision.
- Surgeon General (USAF/SG) for medical and allied facilities or organizations under the Surgeon General’s supervision.
- The Judge Advocate General (USAF/JA) for the Air Force Legal Services Agency.
- The appropriate state’s Adjutant General for units of the Air National Guard.
- ★The senior Air Force officer (SAFO) in a unified command, joint task force, combined task force, coalition force or activity outside the Air Force for the purpose of appointing element and element section commanders of elements falling within the SAFO’s area of responsibility.
- ★The commander of an Air Force element, if a lieutenant colonel or higher grade, for the purpose of appointing that element’s section commander.
- ★The commander of a large functional unit (squadron or above), if a lieutenant colonel or higher grade, for the purpose of appointing that unit’s section commander.

★2.6. Further Delegation of Authority to Appoint to Command. Delegated appointment authority may be redelegated to commanders for organizations under their command, and to staff officers for organizations under their supervision. Redelegation, however, must be to a colonel or higher except as noted in paragraph 2.5 above in relation to the appointment of section commanders.

★2.7. Commanders cannot appoint their own successors.

3. Permanent and Temporary Succession to Command.

3.1. Permanent succession to command, by assumption or appointment, remains in effect until superseded by a subsequent assumption or a subsequent appointment.

★3.2. Temporary succession to command, by assumption or appointment, is the appropriate succession mechanism when the commander being replaced is only temporarily absent or disabled.

- When the temporarily absent or disabled commander returns, if he or she equals, or is senior in grade to any other officer present for duty, assigned to the organization and eligible to command, he or she regains command automatically without regard to precedence of rank in grade.
- ★The returning commander needs no new assumption or appointment orders.
- ★If, during the permanent commander’s temporary absence, another officer senior in grade to him/her, who is eligible to command, is assigned or attached to the organization, then the returning commander may not resume command.

★3.3. Assumption of or Appointment to Command Because of Death, Prolonged Absence or Disability of Commander:

★3.3.1. In the event of death or prolonged absence or disability of the commander, the next senior officer assumes command until relieved by proper authority. Alternately, the appropriate superior authority can appoint an officer to command.

★3.3.1.1. Prolonged Absence or Disability. No advance determination of what is a prolonged absence or disability can be made. The expected length of the absence or disability and the types of command actions and decisions that will be necessary during the absence or disability are factors affecting the determination of whether an interim commander is necessary.

3.3.2. An officer who succeeds to command assumes responsibility for all orders in force at the time and for all public property and funds pertaining to that command or duty.

3.4. Command During Short Absences:

3.4.1. Absence or disability of the commander for short periods of time does not incapacitate that commander from discharging the functions of command and, except under unusual circumstances, does not warrant assumption of command by another officer.

3.4.2. During shorter absences or disability of the commander which, by common sense, do not warrant an assumption of command, the commander's designated representative acts for the commander in the commander's name, as is routinely done when the commander is present, unless precluded by paragraph 6.4.2.

★3.4.3. Except in urgent cases, an officer in temporary command may not change or cancel the standing orders of the permanent commander, without authority from that permanent commander or the next higher commander.

★4. Special Rules and Limitations to Command.

★4.1. Special rules exist for positions designated under 10 U.S.C. 601 for the grade of lieutenant general or general.

★4.2. Officers assigned to positions which have been designated by the President to be positions of importance and responsibility in accordance with 10 U.S.C. 601 become eligible to attain the grade of lieutenant general or general by virtue of their service in those positions (although they need not carry that grade to serve in that position.) If the President nominates an officer to carry the three or four star grade associated with the particular position and the Senate consents to the nomination, then the officer may assume that grade. Because these officers retain their grade only as long as they serve in their designated positions, any act removing them from their position will effectively vacate their grade and they will revert to their former permanent grade unless one of three narrow exceptions applies. (See 10 U.S.C. 601 for listing of exceptions.) Consequently, three and four star generals serving in command positions must always remain in command until relieved by superior competent authority, even during lengthy absences. No other officer may temporarily assume or be appointed to command in the absence of the incumbent unless first authorized by the appropriate superior authority and coordinated with AFGOMO, the Air Force General Officer Matters Office.

★4.3. In the event a three or four star commander is disabled or will be absent for a prolonged period, notify AFGOMO as soon as possible.

★4.4. Until official instructions arrive, the commander's designated representative continues to act for the commander in the commander's name, as is routinely done when the commander is present.

★4.5. Officers assigned to three and four-star command positions assume command in the normal manner if they are the senior officer in that command at the time of accession to command, and regular assumption of command orders will be published. If appointment orders will be required, contact AFGOMO for guidance.

4.6. Officers Restricted in Command:

4.6.1. Officers assigned to HQ USAF cannot assume command of personnel, unless competent authority specifically directs.

4.6.2. An officer quartered on an Air Force installation, but assigned to another organization not charged with operating the installation, cannot assume command of the installation by virtue of seniority.

4.6.3. Chaplains cannot exercise command.

4.6.4. Judge advocates can exercise command only if The Judge Advocate General authorizes it; or as the senior ranking member among a group of prisoners of war; or under emergency field conditions.

4.6.5. Only officers of the Medical and Dental Corps, Nurse Corps, Medical Service Corps, and Biomedical Sciences Corps can command organizations and installations whose primary mission involves health care or the health professions.

4.6.6. Students cannot command an Air Force school or similar organization.

4.6.7. Reserve officers who are not on extended active duty cannot command organizations of the Regular Air Force. For the purposes of this regulation, extended active duty is defined as a period of 90 days or more during which the reserve officer is on active duty (other than training) orders.

4.6.8. Regular officers and Reserve officers on extended active duty cannot command organizations of the Air Force Reserve, unless HQ USAF/RE approves.

4.6.9. Officers prohibited to command by competent authority cannot assume command.

5. Command of Flying Organizations. Flying organizations have as their primary mission flying manned aircraft, or planning and directing the employment of manned aircraft.

★5.1. Only Line of the Air Force crewmembers occupying active flying positions can command flying organizations.

★5.1.1. Exception: Officers from other military departments who have USAF-equivalent crewmember ratings or certifications can command consolidated flying training organizations in accordance with appropriate interservice agreements. For purposes of military justice administration, commanders of consolidated flying training units are subject to the same restrictions applicable to joint commanders under the provisions of paragraph 2.2, AFI 51-202.

★5.2. These officers must hold a currently effective aeronautical rating or crewmember certification, and must be qualified for aviation service in the currently effective aeronautical rating or crewmember certification.

5.3. Organizations with Multiple Missions. Certain types of organizations, such as air base wings or groups, have multiple missions that include responsibility for controlling and directing flying activities or clearing aircraft for flight. These organizations are considered non-flying units; therefore, non-flying officers eligible to command can command such organizations provided that:

★5.3.1. The commander of a subordinate flying organization (such as a base operations squadron) or a director of operations and training is delegated responsibility for the flying portion of the mission. If this authority is vested in a director of operations and training, that person must meet the eligibility requirements for command of a flying organization. Delegate this authority only by special orders.

★5.3.2. Any Air Force officer eligible to command can command missile organizations, and organizations where the employment of aircraft is a support function or corollary to the organization's primary mission. Unless the commander meets the eligibility requirements for command of a flying organization, consolidate flying activities under the supervision of an officer who meets such eligibility requirements.

6. Command and Staff. Fully recognize and follow the principles of command and staff. A commander exercises control through subordinate commanders.

6.1. Vice commanders and deputy commanders, while acting as such, are staff officers. Staffs have no command functions. They assist the commander through planning, investigating, and recommending. Issue all directives in the commander's name.

6.2. The commander can designate subordinates, including civilians, who are otherwise authorized to sign or act in the commander's name. Any officer can be assigned to staff positions at any organizational level, except positions directly concerned with the operation of manned aircraft or where flying is a necessary additional duty.

6.3. There is no such thing as an "acting commander." The term "acting commander" is not authorized.

6.4. Delegation of Duties:

6.4.1. Except as stated in section 6.4.2, commanders should delegate administrative duties or authority to members of their staff or subordinate commanders as much as possible. However, delegating duties incident to the discharge of responsibilities does not relieve the commander of the responsibility to exercise command supervision.

6.4.2. Do not delegate the following duties:

- Duties specifically imposed on commanders by law, such as those specified in the Uniform Code of Military Justice, appropriations acts, and other statutory provisions.
- Duties which, by direction of higher headquarters, are not delegable.
- Duties which should not be delegated because of their obvious importance or because of special existing local conditions.

7. Announcement of Command. Use written orders to announce and record command succession, unless precluded by military exigencies.

7.1. Command Documentation. Units prepare, coordinate, publish, distribute and maintain G series orders, including official record sets, to formally document succession to command of the unit. Units identify orders by organization and G series number. Number orders sequentially, beginning with the calendar year, and designate a G series number that reflects the year and sequence, such as "GO 93-1." Above the heading of the first order of a year, cite the number of the last order published the previous year. If no orders were published during the preceding year, state that "no orders were published in this series in (year)."

★7.2. Request and Authorization for Assumption of or Appointment to Command. You may use AF Form 35, *Request and Authorization for Assumption of/Appointment to Command*, to document such orders. See attachment 1 for instructions. Consult AFI 37-128 for uniformity of orders formats and general order publishing guidance.

7.3. Publication of Command Assumption or Appointment:

7.3.1. You need not publish assumption of command or appointment to command orders for an officer who originally held the command position when he or she resumes command after a temporary absence.

7.3.2. Orders published when another officer assumed command, or was appointed during a temporary absence, are automatically rescinded when the permanent commander returns to duty.

7.3.3. The following examples illustrate wording for assumption of command:

- Permanent assumption of command, "Under the provisions of AFI 51-604, I assume command of the 366 Wing, vice Col JAMES D. JOHNSON, 000-00-0000, effective 1 November 1995."
- Temporary assumption of command, "Under the provisions of AFI 51-604, I assume command of the 366 Wing, during the temporary absence of Col JAMES D. JOHNSON, 000-00-0000, effective 1 November 1995."
- Format when an official other than the commander signs the order, "Under the provisions of AFI 51-604, Col RICHARD R. BOLLING, 000-00-0000, assumes command of the 366 Wing, vice Col JAMES D. JOHNSON, 000-00-0000, effective 1 November 1995."

★7.3.4. A commander delegated authority to appoint commanders without regard to seniority announces these appointments in orders. Include the following items in the orders:

- A statement that the officer is appointed commander by direction of the President
- Unit the officer will command
- Effective date
- Authority
- ★Temporary nature of assumption or appointment, if applicable

7.3.5. The following examples illustrate appropriate wording to announce an appointment to command:

- Permanent appointment of command: “By direction of the President, Col JAMES N. WHITE, 000-00-0000, is appointed Commander, 76 Wing, AMC, Andrews AFB, MD, effective 1 November 1995. Authority: AFI 51-604.”
- Temporary appointment of command: “By direction of the President, Col JAMES N. WHITE, 000-00-0000, is appointed Commander, 76 Wing, AMC, Andrews AFB, MD, effective 1 November 1995, during the temporary absence of Col RICHARD R. BOLLING, 000-00-0000. Authority: AFI 51-604.”

★8. Appointing Squadron Section Commanders, Detachment Commanders, Element Commanders and Element Section Commanders on Orders. Appoint squadron section commanders, detachment commanders, element commanders, and element section commanders on orders when they must perform command actions. The authority is AFI 38-101 and AFI 51-604. If this is not done, they are considered staff officers and cannot impose nonjudicial punishment under Article 15 of the Uniform Code of Military Justice.

★9. Form Prescribed. AF Form 35, *Request and Authorization for Assumption of/Appointment to Command*. See Attachment 1 for instructions on form completion. Its use is optional.

BRYAN G. HAWLEY, Maj General, USAF
The Judge Advocate General

INSTRUCTIONS FOR PREPARATION OF AF FORM 35 (1996 EDITION)

You can optionally use this form to record assumptions and appointments to command. Failure to use it or fill it out correctly does not invalidate an otherwise valid assumption or appointment to command.

★ITEMS 1, 13, 15, 16, 18, 19, 21, and 24 -- Self-explanatory.

ITEM 2--Enter the grade, name (last, first, middle initial (all upper-case)) and SSN of the individual assuming or appointed to command.

ITEM 3--Enter the individual's unit of assignment (all upper-case).

ITEM 4--Enter the name and location of the individual's permanent duty station, including zip+4 (all upper-case).

★ITEM 5--Enter complete unit designation of the organization the individual will command; the grade, name (last, first, middle initial, all upper-case), and SSN of commander relinquishing command, and effective date.

★ITEM 6--Enter complete unit designation of the organization the individual will command; the grade, name (last, first, middle initial, all upper-case), and SSN of absent commander; and effective date.

NOTE: NOTES:

★1. When the individual proposed to take command temporarily meets the criteria in AFI 51-604, then assumption to command is appropriate at all command levels. (**EXCEPTION:** Command positions held by three and four star general officers are subject to special rules (see para 4), and those commanders may not relinquish their commands even temporarily without the advance approval of superior competent authority.)

★2. Do not publish orders when the regular commander returns from an absence if assumption of command was temporary. The permanent commander's return automatically rescinds temporary assumption of command orders.

ITEM 7--Enter complete unit designation of the organization the individual will command and the effective date. **NOTE:** Appointment to command is appropriate when the individual taking command cannot meet the assumption criteria in AFI 51-604, for example, when the new or interim commander is equal in grade, but junior in rank, to another officer of the same organization.

★ITEM 8--Enter complete unit designation of the organization the individual will command; the grade, name (last, first, middle initial, all upper-case) and SSN of absent commander, and effective date.

NOTE: NOTES (for items 5-8):

★1. Do not publish orders when the regular commander returns from an absence if the appointment to command was temporary. The permanent commander's return automatically rescinds orders for temporary appointments of command.

2. Depending on the incoming commander's status and the type of unit he/she will command, fill in the appropriate block.

- If the individual is the senior-ranking official in the unit, he/she can assume command (use item 5 or 6).
- If the officer is junior in rank, the next higher headquarters must appoint him/her to command (use item 7 or 8).
- If the officer is in a headquarters squadron section, detachment or element command, use blocks 9 or 10 respectively.
- Use blocks 11 and 12 for other appointment actions as described in the note following Items 11 and 12.

★3. Command positions held by three and four star general officers are subject to special rules (see para 4), and those commanders may not relinquish their commands even temporarily without the advance approval of superior competent authority.)

★ITEM 9--Enter complete unit designation of the squadron section or element section individual will command and effective date. **NOTE:** The next higher commander (if delegated appointment authority) appoints squadron section commanders, except as provided in paragraph 2.5.. Use this block only.

★ITEM 10--Enter complete detachment or element designation of the organization the individual will command and effective date. *NOTE:* The next higher commander (if delegated appointment authority) or SAFO appoints detachment or element commanders. Use this block only.

ITEM 11--Enter complete unit designation of organization individual will command and effective date.

ITEM 12--Enter complete unit designation of organization the appointed individual will command; grade, name (last, first, middle initial) all upper-case, SSN of commander who is absent, and effective date.

★**NOTE:** Items 11 and 12 are for use in situations not covered by items 5-10, e.g., when an individual is appointed to command a unit to which he/she is not assigned and therefore cannot assume command even though he/she might otherwise be the senior officer in the organization. This circumstance occurs in some dual hatting situations or when the commander will assume the command duties of his gained unit before he is relieved from duty from his losing unit. Used also in situations when one individual commands two different units.

★ITEM 14--Enter the complete name, grade, and title of the DP official who reviewed the proposed order. The DP review should verify the individual's assignment to the unit and his/her grade and date of rank in that grade. This information should be used to determine whether assumption or appointment is the correct command succession mechanism.

★ITEM 17--Enter the complete name, grade and title of the JA official who reviewed the proposed order. The JA review examines the order for legal sufficiency and compliance with the criteria of AFIs 51-604 and 38-101. The JA reviewing official should determine which of the command succession mechanisms is appropriate in the specific situation, i.e., permanent/temporary assumption or appointment.

★ITEM 20--Enter the complete name, grade and title of the individual authorized to direct this command action.

NOTES:

★1. For assumptions, this individual is the assuming commander.

★2. For appointments, the next higher commander (with delegated appointment authority) must sign, except as noted in paragraph 2.5.. Some examples are as follows:

- Wing commanders
- Numbered air force commanders
- MAJCOM and equivalent organization commanders

For commanders of wings, or whenever the signature of an appointing authority not on the base is required, process the order as follows:

- The requesting base prepares the form order, gets local JA/DP coordination, and sends it to the appointing official for signature. The official signs the order and sends it to the unit for publication and distribution.
- if this is not possible or is not the preferred process, the requesting activity sends a message or calls the appropriate member of the appointing authority's staff who will prepare the order. The appointing authority's JA/DP coordinate, after confirming the action with the requesting base's JA/DP. They can confirm the action by calling the requesting base's JA/DP or from the message request. The appointing official signs the order after JA/DP coordination.
- Unit officials will reproduce and distribute the order.

★ITEM 22--Use this block to include any comments pertinent to the proposed action, such as references to letters or messages that direct the command action or publication of this order, to document the fact of an earlier VOCO assumption or appointment, to document that exigencies of the service precluded earlier recording, or to explain when the dates of the orders are effective, and so on. You may use this block to make any other necessary comments, e.g., those required by AFI 37-128.

ITEM 23--Enter the publishing headquarters, its location, and zip+4.

★ITEMS 25 and 26--The unit completes this section after Items 13-21 are completed.

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★5.1.1. Exception: Officers from other military departments who have USAF-equivalent crewmember ratings or certifications can command consolidated flying training organizations in accordance with appropriate interservice agreements. For purposes of military justice administration, commanders of consolidated flying training units are subject to the same restrictions applicable to joint commanders under the provisions of paragraph 2.2, AFI 51-202.

★5.2. These officers must hold a currently effective aeronautical rating or crewmember certification, and must be qualified for aviation service in the currently effective aeronautical rating or crewmember certification.

★5.3.1. The commander of a subordinate flying organization (such as a base operations squadron) or a director of operations and training is delegated responsibility for the flying portion of the mission. If this authority is vested in a director of operations and training, that person must meet the eligibility requirements for command of a flying organization. Delegate this authority only by special orders.